

AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS ROOM, 8TH FLOOR, CITY HALL, HAMPTON, VIRGINIA, ON May 12, 2003 AT 3:30 P.M.

PRESENT: Chairman Ralph A. Heath, Vice-Chairman Harold O. Johns, and Commissioners Timothy B. Smith, Perry T. Pilgrim, Katherine K. Glass, Randy Gilliland

ABSENT: George E. Wallace

ROLL CALL

A call of the roll noted Commissioner Wallace as being absent.

NOTE: Commissioner Wallace was present during Item IV – Preliminary Subdivision.

ITEM I. MINUTES

There being no additions or corrections, a motion was made by Commissioner Randy Gilliland, and seconded by Commissioner Harold O. Johns, to approve the minutes of the April 14, 2003 Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES:	Smith, Johns, Pilgrim, Gilliland, Heath
NAYS:	None
ABST:	Glass
ABSENT:	Wallace

ITEM II. YOUTH PLANNER REPORT

Ms. Rashida Costley, Youth Planner, stated the school year is coming to an end and the Youth Planners are in the process of preparing interviews for the position of a Youth Planner, Youth Commission Secretary, and members of the Youth Commission. The last youth component of the Comprehensive Plan meeting will be held today. They will discuss next steps for the teen center, workable sites, forming strategies, and working on the Youth Friendly Guidebook. On June 2, 2003, the Youth Planners and Commission will hold their year-end celebration with fun activities, but most importantly, to say farewell to the seniors, and nominating the new chair for the Youth Commission.

ITEM III. HAMPTON COMMUNITY PLAN

Plan Status

Mr. Terry O'Neill, Director of Planning, presented to the Commission an update on Hampton's Community Plan process. Mr. O'Neill stated staff has completed the initial work with all of the focus groups. On Thursday, May 15, 2003, an Integration meeting will be held in the Ruppert Sargent Building, which is composed of two representatives from each of the focus groups who will meet and look at the work completed at a broad integrated scale so they are not focusing solely on their areas, but to put pieces together and share the commonalities. Once the meeting is completed, Planning staff has a week to write a draft of the document which will be presented at City Council and the School

Board at a joint luncheon meeting on May 28th. No action will be taken from City Council or the School Board, but they will review the work that the group has done thus far and understand that this is a draft. Staff will spend most of the summer going out to community groups and other interested parties to receive feedback. The community meetings will be scheduled beginning June 3rd. There are approximately eight community meetings that have been scheduled sponsored by various businesses, civic and neighborhood organizations throughout the city. Staff may have more as the summer progresses, but currently eight have been scheduled. He welcomed the Commission to attend any of the eight meetings. He stated at the Planning Commission meeting on June 9th, staff will give the Commission a short briefing of what has been given to City Council and the School Board. The Commission will ultimately in the end be asked to endorse this effort. Staff does not anticipate coming before the Planning Commission for formal endorsement of Phase I until late summer. Once the Phase I draft has been endorsed, Phase II will begin which is the implementation and action plan in the fall.

ITEM IV. PRELIMINARY SUBDIVISION - RIVER RUN ESTATES

River Run Estates is a proposed 3.8± acre subdivision containing up to seven lots on the west side of Riverview Drive north of Little Back River Road. The property is zoned One Family Residence District (R-13), which allows 12,000 square foot lots with 80' frontage and 2,000 square foot dwellings.

In response to a question by a concerned citizen regarding the preliminary subdivision process, Mr. O'Neill stated any concerns can be addressed to Mr. Edward Haughton, Senior City Planner or Mr. Fred Whitley, City Engineer. He stated the subdivision review is an administrative process. Because the preliminary subdivision is a by-right use on the land by City Code and State statute, it is a review process in which staff makes sure the codes and ordinances are followed.

In response to a comment by Commissioner Wallace, Mr. O'Neill stated "by-right" means the owner of the property and/or applicant has the proper zoning under current development ordinances and what the applicant is proposing is permissible. The city reviews the preliminary subdivision to make sure streets and roads are located in an adequate manner, and public utilities, and environmental regulations are being upheld according to city and State statutes.

In response to a question by a citizen regarding social impact and insurance coverage, Mr. O'Neill stated staff cannot address insurance concerns. He stated the city is the responsible party for making sure that improvements are made. Although the ordinances require the developer to only assume the costs of those incremental improvements that are directly related to his development, staff is not allowed or required to ask the applicant to go beyond what is required by his project.

In response to a statement by a citizen, Mr. O'Neill stated he understands the citizens' concerns. There is a procedure in place for the city to consider which is called the Capital Improvements Plan. If citizens have a request for those funds, those types of submissions are taken by Planning Commission, who reviews the CIP or various departments during that time of year prior to City Council considering the budget.

In response to a concern by a citizen, Mr. O'Neill stated the Commission nor city staff has any power not to approve the request because it is a by-right use. The City of Hampton, primarily through the legislative authority and the General Assembly, does not have the authority to enact adequate public facility ordinances. Virginia's philosophy is if it is zoned properly and it is developable, the property owner or applicant has the right to develop the property. If there are any shortcomings in public facilities, the city has to assume that responsibility as best they can. He stated there is some point to see if the request for public improvements for that street through the CIP can get included and approved which comes before the Planning Commission in the January or February timeframe, and is forwarded to City Council. The timeframe is now when the final budget is being implemented.

After discussion, the Commission approved the following resolutions:

WHEREAS: The Hampton Planning Commission has before it this day, River Run Estates preliminary subdivision, a proposed 3.8 ± acre residential development fronting 334'± on the west side of Riverview Drive, beginning 400'± north of its intersection with Little Back River Road, with a maximum depth of 490'±, with access will be from Riverview Drive; and

WHEREAS: The property is zoned One-Family Residence District (R-13) which allows 12,000 square foot lots with 80 feet of frontage and 2,000 square foot dwellings; and

WHEREAS: The subdivider, Sykes and Company, seeks conditional approval of up to seven single family lots, as shown on the preliminary subdivision plat of River Run Estates, dated April 29, 2003; and

WHEREAS: There was some concern by the public relative to increased traffic on existing narrow Riverview Road; and

WHEREAS: The subject subdivision plat is in conformance with the 2010 Comprehensive Plan; and

NOW, THEREFORE, on a motion by Commissioner Harold O. Johns and seconded by Commissioner Katherine Glass;

BE IT RESOLVED that the Hampton Planning Commission recommends that River Run Estates Preliminary Subdivision Plat be approved up to seven single family residential lots, as being in conformance with the 2010 Comprehensive Plan. A roll call vote on the motion resulted as follows:

AYES:	Smith, Johns, Pilgrim, Glass, Wallace, Gilliland, Heath
NAYS:	None
ABST:	None
ABSENT:	None

PUBLIC HEARING

ITEM V. REZONING APPLICATION NO. 1170

Chairman Heath read the public hearing notice on the next agenda item as advertised in the Daily Press on April 28, and May 5, 2003.

Rezoning Application No. 1170 by Qwik Store, Inc. to substitute additional mini-storage warehouses for approved multi-family units at 1213 North King Street, which is zoned General Commercial District (C-3). The request is a proposed amendment to a condition of a previous rezoning action. *This item was deferred from the April 14, 2003 meeting.*

Mr. Billie Millner, 701 Towne Center Drive, Newport News, stated he would respectfully request the rezoning application be deferred to the June 9th Planning Commission meeting. He stated he met with two of the civic leagues last week and received many suggestions they want to incorporate, to the extent possible, into the plan. He stated Ms. Moyle, a resident, is present with a petition to file with the Commission in opposition to multi-family uses.

Ms. Dorlene Moyle, 5 Quinn Street, stated she has a petition signed by fifty residents in the subject area who are opposed to any multi-family units being constructed on Bland Street, Quinn Street and Thornrose Avenue. She stated they are in favor of the Qwik Store being expanded if Qwik Store, Inc., and the City of Hampton together can expedite adequate and sufficient drainage for the project.

After discussion, a motion was made by Commissioner Randy Gilliland, and seconded by Perry T. Pilgrim, to defer Rezoning Application No. 1170 to the June 9, 2003 Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES:	Smith, Johns, Pilgrim, Glass, Wallace, Gilliland, Heath
NAYS:	None
ABST:	None
ABSENT:	None

ITEM VI. SITE PLAN ORDINANCE AMENDMENT

Chairman Heath read the description of the next agenda item.

Site Plan Ordinance Amendment: A proposal by the City of Hampton to amend Chapter 9 (Section 9-147 – Site Plan Ordinance) of the Code of Hampton to extend the validity of final site plans to five (5) years to conform to the regulations of the Code of Virginia.

Mr. Edward Haughton, Senior City Planner, presented the staff report of the site plan ordinance amendment, a copy of which is attached hereto and made a part hereof. Mr. Haughton stated because the proposed amendment will bring the Code of Hampton in conformance with the Code of Virginia, staff recommends that the Planning Commission recommended to City Council approval of the amendment.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, a proposal by the City of Hampton to amend Chapter 9 (Section 9-147 – Site Plan Ordinance) of the Code of Hampton; and

WHEREAS: The proposed change is to extend the validity time of the final site plans to five years in order to conform to the regulations of the Code of Virginia; and

WHEREAS: The Hampton Code currently states that the final site plan is valid for two years; and

WHEREAS: The purpose of the amendment is to achieve continuity with the Code of Virginia; and

WHEREAS: The local code should conform to the state code because the state code is mandatory and binding on the localities; and

WHEREAS: The proposed change also addresses vested rights of property owners relative to the approval of final site plan; and

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner Katherine Glass;

BE IT RESOLVED that the Hampton Planning Commission recommends that Chapter 9 (Section 9-147 – Site Plan Ordinance) of the Code of Hampton be amended so as to conform to the Code of Virginia relative to the time of validity of final site plans. A roll call vote on the motion resulted as follows:

AYES:	Smith, Johns, Pilgrim, Glass, Wallace, Gilliland, Heath
NAYS:	None
ABST:	None
ABSENT:	None

ITEM VII. TRANSPORTATION ENHANCEMENT PROGRAM APPLICATIONS

Chairman Heath read the description of the next agenda item.

Transportation Enhancement Program Applications: Consideration of a proposed resolution requesting funding of projects under the Transportation Enhancement Program established by the Virginia Department of Transportation as required by the Federal Transportation Equity Act for the 21st Century (TEA-21). The proposed projects are: Phoebus Streetscape Improvements – Phase III, Settlers Landing Road Streetscape Improvements-Phase II, Queensway Streetscape Improvements Phase I, Mercury Boulevard/Coliseum Central Streetscaping, Streetscape Improvements to Tyler/North King Street Corridors and Kingsway Pedestrian Enhancements.

Mr. Edward Haughton, Senior City Planner, presented the staff report of the site plan ordinance amendment, a copy of which is attached hereto and made a part hereof. The four projects include: 1) Phoebus Streetscape Improvements, Phase III; 2) Mercury Boulevard/Coliseum Central Streetscaping; 3) Streetscape Improvements to the Tyler/North King Street Corridors; and 4) Kingsway Pedestrian enhancements. He stated staff recommends that the Planning Commission recommend endorsement of the four projects to City Council to fund a minimum of 20% of the total costs of the projects. Total costs of the proposed projects are \$3,050,000. Local share (20% of total cost) is \$630,000.

Commissioner Gilliland commented that he would like to see the Kecoughtan Corridor on the next TEA-21 list.

After discussion, the Commission approved the following resolution:

WHEREAS: The Transportation Equity Act for the 21st Century (TEA-21), authorized the Federal Transportation Enhancement Program which affords the opportunity for localities to promote unique and creative methods of addressing intermodal transportation and aesthetic issues; and

WHEREAS: The Department of Transportation has established a process whereby the Commonwealth Transportation Board awards enhancement funds to projects throughout the State on a competitive basis; and

WHEREAS: The City of Hampton seeks endorsement of four projects: Phoebus Streetscape Improvements Project - Phases III A, Mercury Boulevard/Coliseum Central Streetscaping, Tyler/Seldendale/North King Street Corridors Streetscape Improvements and Kingsway Pedestrian Enhancements; and

WHEREAS: The local governing body's endorsement of the projects is an agreement to match 20% of total project costs; and

WHEREAS: Visual improvements in Hampton contribute to a better quality of life; and

WHEREAS: In accordance with the Commonwealth Transportation Board's construction allocation procedures a request by resolution must be received from the local governing body or State agency in order for the Virginia Department of Transportation to consider program enhancement projects for the City of Hampton.

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland, and seconded by Commissioner Harold O. Johns,

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable City Council adoption of the resolution endorsing the stated projects. A roll call vote on the motion resulted as follows:

AYES: Smith, Johns, Pilgrim, Glass, Wallace, Gilliland, Heath
NAYS: None
ABST: None
ABSENT: None

ITEM VIII. PLANNING DIRECTOR'S REPORT

There were no items by the Director.

ITEM IX. ITEMS BY THE PUBLIC

There were no items by the public.

ITEM X. MATTERS BY THE COMMISSION

There were no matters by the Commission.

ITEM XI. ADJOURNMENT

There being no additional items to come before the Commission, the meeting adjourned at 4:00 p.m.

Respectfully submitted,

Terry P. O'Neill
Secretary to Commission

APPROVED BY:

Ralph A. Heath, III
Chairman